SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 21/LD/P/2008 **Date: 30.7.2008**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 28th day of June, 2008 is hereby published for general information:-

THE SIKKIM LAND TENANCY ACT, 2008
Act No. 21 of 2008

AN
ACT

to provide for law relating to holding of land tenancy in the State of Sikkim.

Be it enacted by the Legislature of Sikkim in the Fifty-ninth Year of Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called The Sikkim Land Tenancy Act, 2008.
(2) It shall extend to the whole of Sikkim.
(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires.-

(a) "Act" means The Sikkim Land Tenancy Act, 2008.

(b) " Authority" means Secretary to the Department of Land Revenue and Disaster Management, Government of Sikkim.

(c) " land tenancy" means a person holding land as a tenant for which he gives rent in whatever mode to the land owner.

(d) " prescribed" means prescribed by rules under the Act.

Land Tenancy.

3. (1) No land owner in the State shall be allowed to give his or her land on rent to any person unless the person has Sikkim Subject Certificate or Certificate of Identification.

(2) Every tenancy before it is made shall require the land owner to apply to the Authority along with such relevant documents as may be prescribed.

(3) The authority on receipt of application for land tenancy may allow such application if it is found in order and having been found to have fulfilled all the requirements as may be prescribed.

(4) Tenancy once created shall not be allowed to create sub-tenancy to any persòn except to person having Sikkim Subject/ Certificate of Identification and fulfills the requirements as may be prescribed.

(5) Any land tenancy created in contravention of the law laid herein shall be voidab-initio and as non existent and the tenant is liable to be evicted or removed by the Authority who may also impose penalty on the land owner to be realized as arrear of land revenue @ 1/4th of the revenue payable in respect of such land in such a manner as may be prescribed.

Power to make rules.

4. The State Government may make rules to carry out the purposes of the Act.

Savings.

5. This Act shall be in supplement to and not in derogation to any other law governing the subject.

BY ORDER.

R.K. PURKAYASTHA (SSJS)
LR-cum-Secretary
Law Department
File No. 16 (82) LD/P/2008